

Notice of Allowability

Application No.

10/692,967

Applicant(s)

CANO ET AL.

Examiner

Art Unit

Michael P. Ferguson

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10 January 2006 interview, 05 January 2006 amendment.
2. ☒ The allowed claim(s) is/are 21,22,24-26,29-32,35,36 and 38-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
- ✓ 6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 01/10/06.
- ✓ 7. ☒ Examiner's Amendment/Comment
- ✓ 8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Damon Ashcraft on January 10, 2006.

The application has been amended as follows:

In claim 25, in line 1 after "of claim" deleted "23" and replaced with --21--.

In claim 40, in line 11 after "c) " deleted "two glass sheets attached to both the interior side and the exterior side of the frame to enable one glass sheet to cover one side of the planar barrier and the other glass sheet to cover the other side of the planar barrier" and replaced with --a first barrier sheet attached to the interior side of the frame to cover the planar barrier; and
d) a second barrier sheet attached to the exterior side of the frame to cover the planar barrier--.

2. The following is an examiner's statement of reasons for allowance:

As to claim 21, Catalano et al. (US 2,990,880) disclose the claimed barrier system with the exception of comprising a planar barrier disposed within the frame comprised of a plurality of strips with barbs; a first barrier sheet attached to the interior

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side of the frame to cover the planar barrier; and a second barrier sheet attached to the exterior side of the frame to cover the planar barrier.

As to claim 31, Catalano et al. disclose the claimed barrier system with the exception of comprising a planar barrier disposed within the frame comprised of a plurality of strips with razors; a first barrier sheet attached to the interior side of the frame to cover the planar barrier; and a second barrier sheet attached to the exterior side of the frame to cover the planar barrier.

As to claim 40, Catalano et al. disclose the claimed barrier system with the exception of comprising a planar barrier located between the interior and exterior sides of the frame comprised of a plurality of strips with a plurality of razors; a first barrier sheet attached to the interior side of the frame to cover the planar barrier; and a second barrier sheet attached to the exterior side of the frame to cover the planar barrier.

There is no teaching or suggestion, absent the applicants' own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the barrier system as disclosed by Catalano et al. to have the above mentioned elemental features.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MPF
01/10/06



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